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Preparatory Commission for the International Criminal Court

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Working Group on a Draft Budget for the First Financial Period of the Court
New York
1-12 July 2002

Draft decision of the Assembly of States Parties relating to participation of the International Criminal Court in the United Nations Joint Staff Pension Fund

Proposal by the Coordinator

The Assembly of States Parties,

Recalling paragraphs 25 and 39 of the outcome of the intersessional meeting of experts held at The Hague from 11 to 15 March 2002 (PCNICC/2002/INF/2) and the discussions in the Working Group on the first-year budget during the ninth session of the Preparatory Commission for the International Criminal Court concerning the participation of the International Criminal Court in the United Nations Joint Staff Pension Fund,

Noting that article 3, paragraph (b), of the Regulations of the UNJSPF provides that membership in the Fund shall be open to the specialized agencies referred to in Article 57, paragraph 2, of the Charter of the United Nations and to any other international, intergovernmental organization which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies,

Bearing in mind article 4 of the Rome Statute of the International Criminal Court,

Also bearing in mind that admission to membership of the United Nations Joint Staff Pension Fund is by decision of the General Assembly of the United Nations and requires the acceptance by the organization concerned of the Regulations of the Fund and the conclusion of an agreement with the United Nations Joint Staff Pension Board (the supervisory organ for the Fund) as to the conditions which shall govern its admission,

Recognizing the importance of enabling the Court to recruit and retain the best-qualified personnel,

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1. *Recommends* that the International Criminal Court participate in the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund and accept, as appropriate, the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of such regulations;

2. *Requests* the Registrar[1] to take the necessary steps in order for the International Criminal Court to apply for membership in the United Nations Joint Staff Pension Fund and to conclude with the United Nations Joint Staff Pension Board an agreement as referred to in article 3, paragraph (c), of the Regulations of the Fund.

[1] If necessary, prior to the Registrar taking up post, the Director of Common Services.